

**REMARKS**

**I. Status of Application**

Claims 1, 2, 4, 9-11, 17 and 27-37 are all the claims currently pending in the present Application. By this Amendment Applicant hereby amends claim 9 for purposes of clarity and precision of language.

**Statement of Substance of the Interview**

Applicant's representative thanks the Examiner, and his Supervisor, for the courteous in-person Interview of January 29, 2009. An Examiner's Interview Summary Record (PTO-413) was provided to the Applicant's representative after the Interview. The PTO-413 requires Applicant to file a Statement of Substance of the Interview. The Statement of Substance of the Interview is as follows:

During the Interview, claims 1 and 9 were discussed in view of Berger (U.S. Pat. No. 6,414,693).

Specifically, with regard to claim 1, the Examiner agreed that Berger fails to teach, or even suggest, "receiving **an electronic submission associated with a specific user** to which said correction data and additional personal information of the specific user is attached ... **classifying said attached correction data based on the additional personal information of the specific user** recited in said received electronic submission and **registering said correction data in said data base based on the classification results.**" Instead, the user in Berger must log in and can then create a custom bag order. The custom bag order is associated with the user

based on the user's log-in information. Berger does not disclose any additional personal information being supplied by the user. Nor does Berger disclose classifying the correction data based on any additional personal information. The Examiner agreed with this interpretation and indicated that claim 1 overcomes the cited art of record. As such, the Examiner will conduct a follow-up search with respect to claim 1.

During the Interview, claim 1 was also discussed in view of the combination of Berger and Goldstein (U.S. Pub. No. 2001/0032115). As a result of the discussion, the Examiner confirmed that the combination of Berger and Goldstein would be improper.

Specifically, the "data-mining operation" of Goldstein occurs after the user has completed the survey and has submitted it. As such, the survey response (the alleged correction data) is already registered with the system. It is only after the survey response is registered that a third party user (for example a manufacturer) can initiate a data-mining operation to search through the survey data. For at least this reason, Goldstein cannot teach registering the user-submitted correction data "**based on the classification results.**" Additionally, Applicant's representative noted that the "data-mining operation" of Goldstein was initiated by a **third party** after all the responses were submitted. Conversely, the "correction data" of claim 1 is "classified" **based on the additional personal information of the user who has submitted correction data.** For at least this additional reason, a "data-mining" operation could not correspond to the data classification described in claim 1.

With regard to claim 9, this claim was discussed in view Berger. With regard to claim 9, the Examiner indicated that he interprets the claim term "allowing" very broadly and as such

indicated that any terminal could “allow” a user to “**enter design information without downloading public design data**.” Accordingly, the Examiner proposed an amendment that would overcome this interpretation. The Examiner agreed that claim 9, as amended would overcome the cited art of record.

## II. **Claim Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claims 1, 2, 4, 9-11 and 17 under 35 U.S.C. § 102(e) as allegedly being anticipated by Berger et al. (U.S. Patent No. 6,414,693). Applicant respectfully disagrees.

Applicant respectfully asserts that Berger does not teach, or even suggest, at least “receiving **an electronic submission associated with a specific user** to which said correction data and additional personal information of the specific user is attached ... **classifying said attached correction data based on the additional personal information of the specific user** recited in said received electronic submission and **registering said correction data in said data base based on the classification results**,” as recited in claim 1.

As discussed during the Interview of January 29, 2009, each electronic submission is associated with a specific user, and that specific user provides additional personal information, wherein the system classifies the correction data based on that **additional personal information**. As such, Applicant submits that the “additional personal information” cannot be interpreted as the “name, or identification, of the user” because **a specific user is already**

**associated with the correction data**, and thus the specific user's name or identification would not be included in the additional personal information provided in the electronic submission.

In light of the above, the Examiner has agreed that claim 1 patentably distinguishes over the cited art of record. With respect to claims 2, 4 and 10, these claims depend from claim 1. As such, these claims are allowable at least by virtue of their dependency on claim 1. They are also allowable because of additional limitations set forth therein.

Applicant's independent claim 11 is a method claim and is distinguished over Berger for reasons analogous to those recited for claim 1.

Applicant's independent claim 17 is an apparatus claim and is distinguished over Berger for reasons analogous to those recited with respect to claim 1.

With respect to independent claim 9, the Examiner now asserts that this claim is unpatentable under 35 U.S.C. § 102(e) as being anticipated by Berger. Applicant respectfully disagrees.

With respect to claim 9, Berger does not teach, or even suggest, at least "**an information entry selecting means to enter design information without downloading public design data** or request transfer of said public design data from the design data publicizing processing unit to the user together with an editing program file."

Instead, as discussed during the Interview of January 29, 2009, Berger simply allows the user to select a method of downloading public design data, either by picking a style from a menu list, or by entering a previously determined identifying number. There is no disclosure in Berger

of an alternative to downloading the public design data. Claim 9 has been amended to overcome the Examiner's interpretation, and the Examiner has agreed that claim 9, as amended, patentably distinguishes over the cited art of record.

**III. Claim Rejections Under 35 U.S.C. § 103**

**Berger in view of Goldstein**

Claims 27-31 and 35-37 have been rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berger in view of Goldstein (U.S. Patent Publication No. 2001/0032115). Applicant respectfully disagrees.

With respect to claims 27, 28 and 35, these claims depend from independent claim 1. As such, these claims are allowable at least by virtue of their dependency from claim 1. They are also allowable because of the additional features recited therein.

**Berger**

The Examiner has rejected claims 32-34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berger. Applicant respectfully disagrees.

With respect to claims 32-34, these claims depend from independent claims 1, 11 and 17 respectively. As such, these claims are allowable at least by virtue of their respective dependencies.

**IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.116  
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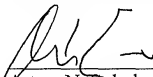
Attorney Docket No. Q63086

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Amendment is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is

also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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